

WCH1-332 (10104197)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Scherzer .  
Serial No. : 09/881,176  
Filed : June 14, 2001  
For : INFRARED RADIATOR  
Art Unit : 3742  
Examiner : J. A. Jeffery

#9  
**RECEIVED**  
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March 25, 2002

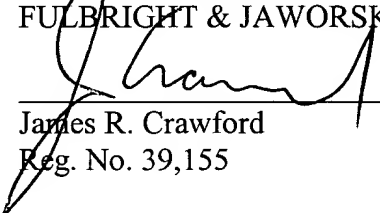
Commissioner of Patents  
and Trademark  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sirs

In accordance with their duty of disclosure, Applicant submit herewith copies of the references cited on the attached PTO-1449 form. It is respectfully requested that these references be made of record. Enclosed is a check for \$180.00. These references were cited in a European Search Report (copy enclosed with a translation). If any additional fees are due to enter this paper or to otherwise maintain pendency of this application, authorization to given to charge deposit account no. 50-0625.

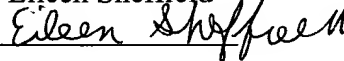
Respectfully submitted,  
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This is to certify that this correspondence is being sent by first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on March 26, 2002

Eileen Sheffield



As regards subordinate claim 3, the expert can easily find by simple experiment how the heating element is to be sized in relation to the quartz glass tube, so that the desired high temperatures can be reached.

Regarding subordinate claims 4, 7 and 8, you are again referred to reference 1) (see Fig. 1 with corresponding description) from which it is known to make the spacers 10 of metal, namely from (stiff) metal plates or (resilient) supporting coils. It is of course obvious to the expert that in this case only those metals can be used which withstand the high temperatures of the heating element.

The additional features of the subject of the application according to subordinate claims 9 to 11 can be taken as known from disclosure 3) (see especially Figures 1 and 2 with corresponding description).

Accordingly, even a principal claim limited by the features of the said subordinate claims is probably unallowable for the lack of the level of invention in its subject matter.

Since also the remaining subordinate claims as well as the rest of the application documents show no features by which the patentability of the application might be based, there is no prospect for the grant of a patent on the present application; instead, the rejection of the application is to be expected if the claims are further prosecuted.

Examining Desk for Class H 01 K

HR 3175

TRANSLATION: Letter of the German Patent & Trademark Office date 2 August 2001

To:

Heraeus Holding GmbH, Patent Dept. - Your ref. P 09652

Request for examination, effectively made on 3 July 2000

The examination of the above-mentioned patent application has brought the following result.  
A term of 4 months is allowed, beginning with service.

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In this notice the following references are cited for the first time. (These numbers shall also apply to the continuation of the process.)

- 1) DE 91 15 621 U1
- 2) DE 198 39 457 A1
- 3) DE 44 19 285 A1

An infrared radiator is disclosed in reference 1 (see especially Figure 1 with corresponding description as well as claim 1), which has a heating element 8, 9 in a quartz glass tube 1, the ends of which are connected to contact elements 14 leading through the wall 13 of the quartz glass tube 1, the heating element 8, 9 being spaced away from the wall of the quartz glass tube, and the heating element 8, 9 being centered by spacers 10 on the axis of the quartz glass tube.

From what materials the heating element 8, 9 is to be made cannot be learned explicitly from the disclosure. Due to his special technical knowledge the skilled practitioner will take into consideration all materials about which he knows that they are especially suitable for the radiation of infrared light. The practitioner will therefore, in other words, think also about a heating element containing carbon fibers, as is disclosed, for example, in reference 2) (see especially claim 1).

Thus it is to be found that the subject of the application lacks at least the level of invention if it does not already lack the novelty required for the grant of a patent.

Claim 1 is not allowable for this reason.

## II

Claims 2 to 16 are likewise not allowable since they are referred to the unallowable claim 1.

The additional feature of the subject according to subordinate claim 2 is known from disclosure 2) (cf Figure 1 with corresponding description).